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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,962	05/10/2001	Vincent Tazua	00RO01554253	4908

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EXAMINER

YENKE, BRIAN P

ART UNIT PAPER NUMBER

2614

DATE MAILED: 07/02/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/852,962

Applicant(s)

TAUZIA, VINCENT

Examiner

BRIAN P. YENKE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment (26 Feb 04).
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14,15,19-27,30-39,41 and 43-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 01 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's arguments filed 26 February 2004 have been fully considered but they are not persuasive.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "displaying the index...comprising a list of labels and associated page numbers" as recited in claims 14, 26 and 37 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of

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any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 19 is objected to because of the following informalities: Claim 19 has been amended to be dependent upon itself (claim 19). The examiner presumes, as set forth in the rejection below that claim 19 should be dependent upon 14. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-15, 19-27, 30-39, 41 and 43-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raiyat, US 6,493,037 in view of Park et al., US 5,635,987.

In considering claims 14-15 and 26-27

a) the claimed receiving a teletext page with the set of data packets including a first data packet comprising a plurality of labels, each label referring to another

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teletext page, and including a second data packet comprising a respective page number associated with each label of the first data packet is met where Raiyat discloses receiving (via antenna 1 utilizing tuners 3/23) and decoding data signals including both the TOP and FASTEXT (FLOF) grouped signals and also EPG signals. The exact procedure for receiving and decoding of TOP and FASTEXT signals is disclosed in the applicant's Background of the Invention (pp 1-6), which include the first packet (X24) and second packet (X27) as described in the specification.

b) the claimed decoding the first and second data packets to obtain each label and the associated page number, and storing the plurality of labels and the associated page numbers in said memory is met by microprocessor 7 and data acquisition circuit 6 which are indirectly coupled to demodulators 4/24, where microprocessor 7 controls which pages are acquired and whether and at what locations in a memory 13 they are stored (Fig 1)(col 4, line 63 to col 5, line 9).

c) the claimed displaying the index at a user's request based upon contents of the memory is met by display device 17 (Fig 1) where the identification data (index) of the received identification data may be displayed in a number of ways as shown in Fig 3a-3c, where the user can display the identification data by request using remote control 10, where the identification displayed is based upon the stored contents of the memory 13.

d)-e) the claimed reading the plurality of labels and associated page numbers from the memory is met where microprocessor 7 which reads the labels and page numbers from memory 13.

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However, Raiyat does not explicitly recite displaying the page numbers (the claimed displayed index comprising page numbers, limitation e).

Raiyat discloses a system where the pages/labels can be color coded using color codes R, Y, G and B which are icons on the display (Fig 3a/b/c) and which are also buttons on the remote (Fig 2), where the remote also includes a scroll (S) key to scroll through pages. Raiyat also discloses the displaying of the received teletext programs, where the receiver can receive/display both FASTEXT, EPG, TOP and HabitWatch (favorites) pages.

Although the displaying of page numbers is notorious in the art, the examiner nonetheless incorporates Park et al., US 5,635,987 which discloses displaying teletext information which includes the page numbers (Fig 8a).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Raiyat which discloses the reception/display of a plurality of teletext data from different programs and displaying respective pages/labels (via color code) next to the source, by also displaying the number of pages of each teletext program as done by Park, to inform the user how many pages are associated with each program.

In considering claims 19, 21, 30, 32, 43 and 45,

Raiyat discloses the list of favorite pages maybe arranged in descending order of desirability and the favorite pages may be sub-grouped by topic (i.e. news, sports, entertainment, weather), thereby meeting the sorting of page numbers and labels by theme.

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In considering claims 20, 31 and 44,

Neither the combination of Raiyat, US 6,493,037 and Park disclose sorting labels where the labels can be sorted by alphabetical order.

Riayat does disclose the list of favorite pages maybe arranged in descending order of desirability and the favorite pages may be sub-grouped by topic (i.e. news, sports, entertainment, weather), thereby meeting the sorting of page numbers and labels by theme.

The sorting of a list for display by alphabetical order is notoriously well known in the art. Where it is known that a variety of sorting methods/algorithms could be used, as stated above it is known to sort by page number and theme.

The examiner takes "OFFICIAL NOTICE" in regards to a system which sorts by alphabetical order.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Raiyat and Park which discloses a teletext receiving system which displays the page numbers along with the source and label, where the user can sort the index based upon themes of the relevant pages, by also giving the user the option to sort by alphabetical order in order to provide the user the ability to easily navigate through a display alphabetically.

In considering claims 22, 33 and 46,

Raiyat does not explicitly recite a first and second display memory. Raiyat does disclose the display of a teletext page as well as the storage (memory 13) for future display.

Park discloses the use of two memories, where a first memory 83, along with a second memory 88 (Fig 7) are used to store the contents of the page transmitted and store page list data in each memory respectively.

The applicant discloses in the background of the invention, that prior art only stored the received page in a display memory (1st memory) which eliminates the requirement for a buffer memory (2nd memory) prior to display, since the system was unable to store additional teletext pages.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify/utilize in Raiyat and Park which discloses the display and storage of teletext data, by displaying a page of a received teletext page utilizing the display memory (1st memory) and by storing the other pages received (via memory 13, 2nd memory) in the event the receiver receives multiple pages, from the received signal.

In considering claims 25, 36 and 47,

Neither Raiyat nor Park explicitly recite "European Telecommunications Standard". However, Raiyat does disclose teletext programs such as FASTEXT (FLOF) and TOP programs in receiving a standard teletext transmission reception.

It is also noted that a standard which applies to European Telecommunications would be a standard based upon a geographical region.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify/utilize Raiyat and Park which discloses the

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reception of teletext programs including FASTEXT and TOP which are receivable in Europe, by providing a system which is able to receive signals which are transmitted in the particular region the receiving device will be located.

In considering claims 37, 40,

a) the claimed a receiver for receiving a teletext program comprising at least one teletext page comprising a set of data packets, the at least one teletext page including a first data packet comprising a plurality of labels, each label referring to another teletext page, and including a second data packet comprising a respective page number associated with each label of the first data packet is met where Raiyat discloses receiving (via antenna 1 utilizing tuners 3/23) and decoding data signals including both the TOP and FASTEXT (FLOF) grouped signals and also EPG signals. The exact procedure for receiving and decoding of TOP and FASTEXT signals is disclosed in the applicant's Background of the Invention (pp 1-6), which include the first packet (X24) and second packet (X27) as described in the specification.

b) the claimed a demodulator connected to said receiver is met by demodulators 4 and 24 connected to tuners 3 and 23 respectively,

c) the claimed a decoder connected to said demodulator and comprising a memory, said decoder decoding the first and second data packets to obtain the at least one label and the associated page number, and storing the plurality of labels and the associated page numbers in said memory is met by microprocessor 7 and data acquisition circuit 6 which are indirectly coupled to

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demodulators 4/24, where microprocessor 7 controls which pages are acquired and whether and at what locations in a memory 13 they are stored (Fig 1)(col 4, line 63 to col 5, line 9).

d) the claimed a screen connected to said decoder for displaying an index of the at least one teletext page based upon contents of said memory, is met by display device 17 (Fig 1) where the identification data (index) of the received identification data may be displayed in a number of ways as shown in Fig 3a-3c, where microprocessor 7 which reads the labels and page numbers from memory 13.

Regarding (limitation d), the claimed displayed index comprising page numbers, refer to rejection/motivation of claim 14, above.

In considering claim 38,

The claimed wherein said decoder comprises a plurality of logic gates for decoding...is met where multiplexer 25 and data acquisition circuit 6 which may be arranged to acquire all data and enter it into a FIFO memory (Fig 1).

In considering claim 39,

The claimed wherein said decoder comprises a set of software instructions for decoding the first and second data packets is met where microprocessor 7 communication via interface 12 to data acquisition circuit 6 (Fig 1).

In considering claim 41,

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The claimed comprising displaying the index at a user's request based upon contents of the memory is met where the user can display the identification data by request using remote control 10, where the identification displayed is based upon the stored contents of the memory 13.

Applicant's Arguments

- a) The applicant states that Park does not include each page number being associated with a label, and that the examiner is using impermissible hindsight reconstruction to modify Raiyat in view of Park to produce the claimed invention.
- b) The applicant states that neither Raiyat or Park disclose associating each page number with a label.

Examiner's Response

- a) Regarding the Park reference, the examiner only relied upon the reference to show that it was conventional/well-known in the art to display page numbers. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

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b) The examiner disagrees. Raiyat discloses the reception of teletext transmissions including the FLOF (FASTEXT) standard, which as described by applicant's background, each packet (X27) includes page numbers associated with each label of the corresponding packet (X24). Therefore, if Raiyat receives a FLOF teletext transmission, the packets include information which associate a page number to each label. It is also noted by the examiner that the problem disclosed by applicant relating to the FLOF standard was the limitation of 6 (usually 4) labels/links, and also the drawback of where the user has to sift through unwanted pages to obtain a desired page. However, the pending claims however do not recite any limitations relating to this alleged drawback.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (703) 305-9871. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (703)305-4795.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

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(TDD) 703-305-7785

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B.P.Y
29 June 2004



BRIAN P. YENKE
Primary Examiner
Art Unit 2614